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| APPLICATION NO. | FILING DATE | FIRST-NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|---------------------------|-------------------------|---------------------------|
| 09/675,748 | 09/29/2000 | Christopher Richard Uhlik | 015685.P069 | 2834 |
| 7590 | 06/15/2004 | | | EXAMINER TRAN, THIEN D |
| Gordon R. Lindeen III BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 7th Floor 12400 Wilshire Boulevard Los Angeles, CA 90025 | | | ART UNIT 2665 | PAPER NUMBER 9 |
| | | | DATE MAILED: 06/15/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|---------------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/675,748 | UHLIK ET AL. <i>[Signature]</i> |
| | Examiner | Art Unit |
| | Thien D Tran | 2665 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-68 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-68 are rejected under 35 U.S.C. 102(b) as being participated by Bruckert et al (U.S Patent No. 5,355,516)

Regarding claims 1, 16, 25, 33, Bruckert discloses a method comprising:

transmitting a broadcast burst in a broadcast channel from a base station of a radio communications system (col.7 lines 19-25)

receiving an access request (request burst) from a user terminal (col.7 lines 40-45);

transmitting a channel assignment message (message burst) from the base station to the user terminal from which the request burst was received, the message burst including specific frequency or time slot parameters or the user terminal to tune in (a description of the channels) of the radio communications system for communicating with user terminals. See col.7 lines 50-55.

Regarding claims 2, 3, 17, 18, 26, 27, 34, 35, 42, 43, 58, 59, 65, 66, Bruckert discloses that description of the available channels includes an identification of traffic channels of the radio communications system. See col.7 lines 50-60.

Regarding claims 4, 5 19, 20, 28, 36, 44, 46, 47, 60, 61, 67, Bruckert discloses that request burst further includes an indication of the power used by the user terminal to transmit the request burst and wherein the indication of the transmit power to be used by the user terminal is based upon the indication in the request. See col.7 line 57.

Regarding claims 6, 23, 53, 56, Bruckert discloses that request includes an identification of the user terminal. See col.9 lines 15-20.

Regarding claims 7, 8, 9, 21, 22, 29, 30, 37, 38, 39, 45, 49, 62, 68, Bruckert discloses that broadcast burst has a specific transmission time and the request burst is received with a specific timing relationship to the broadcast message, the method further comprising using the timing relationship to determine a base station to which the request burst is directed. See col.9 lines 5-15.

Regarding claims 10, 11, 50, 51, 54, 55, 63, Bruckert discloses that broadcast burst further includes a code to identify the transmitting base station and wherein receiving a request burst comprises the request burst from the base station identifying code. See col.7 line 50.

Regarding claims 12, 31, Bruckert discloses that broadcast burst includes a power. See col.7 line 53.

Regarding claims 13, 40, 48, Bruckert discloses that broadcast burst includes a load sequence that is related to the current traffic load at the base station. See col.6 lines 50-60.

Regarding claims 14, 15, 24, 32, Bruckert discloses analyzing the spatial direction from which the request burst is received and wherein transmitting the message

burst comprises transmitting the message burst spatially directed toward the user terminal based on the spatial direction analysis. See col.9 lines 25-55.

Regarding claims 41, 52, 57, 64, Bruckert discloses a method for requesting access on a wireless network comprising:

receiving a plurality of timing sequences on a broadcast channel from at least one base station;

determining network timing using the received timing sequences;

using the network timing to determine a network access request transmission time;

transmitting a network access request at the determined time; and

receiving a message burst from a base station, the message burst including a description of the channels available on the wireless network for communicating with MSs (user terminals). See col.7 lines 40-60.

Response to Arguments

3. Applicant's arguments filed 04/06/2004 have been fully considered but they are not persuasive.

Applicant argues that Bruckert does not disclose a message burst including a description of the channels of the radio communication system for communicating with user terminals. However, Examiner respectfully disagrees with the argument because Bruckert discloses an assignment message including specific parameters (description) for determining specific frequencies/ and slots (channel) for a MS (user terminal), col.7

line 36 and lines 45-55. Note that, the channels are assigned for multiple MSs (user terminals), col.4 line 20.

Applicant argues that Bruckert does not disclose the description of available channels related to the random access channels. However, Examiner respectfully disagrees with the argument because Bruckert discloses that the specific frequencies/ and slots (channels) that are available and randomly allocated to the MSs (user terminals) in the traffic channels (random access channels), col.7 lines 50-60, col.8 lines 10-50.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



STEVEN NGUYEN
PRIMARY EXAMINER